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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,802	06/27/2001	Peter Hans Westerink	YOR920010555US1	3491
7590	03/24/2006		EXAMINER	
Douglas W. Cameron Intellectual Property Law Dept. IBM Corporation P.O. Box 218 Yorktown Heights, NY 10598			BLACKWELL, JAMES H	
			ART UNIT	PAPER NUMBER
			2176	
			DATE MAILED: 03/24/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/892,802	WESTERINK ET AL.	
	Examiner	Art Unit	
	James H. Blackwell	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This Office Action is in response to an amendment filed 01/03/2006, with a priority date of **06/27/2001**.
2. Claims 1-15 are currently pending in this application. Claims 1, 6-9, and 13-15 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (hereinafter Takahashi, U.S. Patent Application Publication No. 2001/0055476, filed 04/20/2001).

In regard to independent Claim 1 (and similarly independent Claims 6-9),
Takahashi discloses A method of permitting a scene description based player to play a set of elementary streams having no scene description (see Abstract).

Takahashi also discloses said player detecting if there is a scene description stream in a set of elementary streams as illustrated in Figs. 4 and 5 whereby at step S411 data is input, at step S412 detection of a scene description takes place. If the scene description is not found, a scene description flag is set to zero.

Takahashi also discloses that *if no scene description stream is detected, said player generating a scene description stream for displaying said set of elementary streams, said scene description stream is used to permit said player to play said set of elementary streams* in that in steps S415 access point data is created (access point data is described, for MPEG video compression as the number of data, the number of frames, or the time up to an intra-frame coded frame. In the case of audio data, it is the audio frame number corresponding to the access point of video, or the number of frames up to the audio frame.

Takahashi also discloses that the recorder can also perform playback functions. Hence the player performs actions such as those claimed (Fig 1; discloses a recorder/playback unit; Fig. 5 steps S516, S522 show the recorder in playback mode).

Takahashi continues by stating that the information for random access is not restricted to those mentioned, and any information serving as an index of access may be used (Pg. 4, Paragraphs [0039, 0041]). During *playback*, the management information is read (containing the access point data and flags), and the player determines if a scene description exists. If it is absent, the video and audio streams are passed along to respective codecs along with the management information (stored as headers on the streams), are synchronized by the management information and played by the player (Pgs. 4-5, Paragraphs [0043-0044]). Though the reference of Takahashi does not explicitly teach creating a scene description, it does suggest that the scene description content and the management information contain similar information allowing both video and audio data to be played with a scene description or without, by

creating the management information. It would have been obvious to one of ordinary skill in the art at the time of invention to conclude that a scene description, as defined by Takahashi, is created when an absence of a scene description is detected in the form of access point data for audio and video stored as headers. One advantage would be to decrease the number of recorders/players needed for such data.

In regard to dependent Claim 2, Takahashi fails to teach that *said set of*

multimedia streams comprises at least one of a single audio stream and a single visual stream, said generating a scene description stream comprises constructing an MPEG-4 scene replacement command with an MPEG-4 scene graph having nodes for rendering said audio and/or visual streams, generating an object descriptor stream by constructing MPEG-4 object descriptor update commands, and constructing an MPEG-4 initial object descriptor for describing said object descriptor stream and a scene description stream. However, constructing a description stream in such a manner is well known in the art of MPEG-4 and would have therefore been obvious to one of ordinary skill in the art at the time of invention to generate a scene description stream in such a manner.

In regard to dependent Claim 3-5, Claims 3-5 reflect the method of permitting a scene description based player to play a set of elementary streams as in Claim 1 (and similarly Claims 6-9), and are rejected along the same rationale.

In regard to dependent Claim 10-12, Claims 10-12 reflect the method of permitting a scene description based player to play a set of elementary streams as in Claim 1 (and similarly Claims 6-9), and are rejected along the same rationale.

In regard to independent Claims 13-14, Claims 13-14 reflect the method of permitting a scene description based player to play a set of elementary streams as in Claim 1 (and similarly Claims 6-9), and are rejected along the same rationale.

Response to Arguments

5. Applicant's arguments, see Amendment, filed 01/03/2006, with respect to the rejection(s) of claim(s) 1-15 under Takahashi have been fully considered and are not persuasive. The Applicant substantially argues that the prior art of Takahashi does not teach that the mechanism that performs detection of a scene description and creation of a scene description (or not) is not a device capable of playback (a player). The Examiner respectfully disagrees and directs the Applicant to Figs 1 and 5 which both indicate that the recorder cited in the previous rejection is also capable of playback. Thus, Takahashi does teach the claimed limitations requiring a player detecting and creating, if necessary, a scene description.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Blackwell
03/17/2006

William F. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
3/17/2006